REMARKS

Claims 1-43 stand rejected. Claims 40-43 are canceled. Accordingly, claims 1-39 are at issue. Applicants respectfully request reconsideration or further examination of the present application.

Claims 1-39 stand provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of copending Application No. 09/587,998. The corresponding claims of the copending Application No. 09/587,998 are being amended or canceled in a separate communication to the Patent Office so that the claims are no longer co-extensive in scope.

Claims 1-5 and 18-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,955,961 to Wallerstein. Wallerstein discloses a programmable transaction card that enables accessing a selected one of a plurality of different accounts, and includes the ability to emulate a magnetic strip. See, Wallerstein, Abstract. The account numbers appear to be stored in ROM in the programmable transaction card. See Wallerstein, col. 7, ll. 7-9. Upon an appropriate command, the CPU apparently retrieves the designated account numbers from the ROM and stores them in RAM for further processing. See Wallerstein, col. 7, ll. 7-14. In contrast, the adapter of the present invention does not need ROM for storage of account numbers. As presently recited, the receive circuit of claim 1 is adapted to receive information from an electronic transaction device, and the point of sale interface is adapted to transmit information received from the electronic transaction device. Such structure is neither disclosed nor suggested in Wallerstein. Because Wallerstein does not disclosed each and every element of claim 1, Wallerstein does not anticipate claim 1 or any of the claims which depend from claim 1, including claims 4-5.

Regarding claims 18 and 19, the adapter is recited as having a transceiver which is adapted to receive information from an electronic transaction device and an electromagnet which is configured to emulate a magnetic stripe in accordance with information received from an electronic transaction device. As noted above, in contrast, Wallerstein discloses a programmable transaction card in which the CPU apparently retrieves designated account numbers from a ROM and stores them in a RAM for further processing. See Wallerstein, col. 7, ll. 7-14. Wallerstein does not disclose a transceiver or electromagnet as now claimed. Accordingly, claim 18 is not anticipated by Wallerstein. Additionally, claim 19, which depends from claim 18, is not anticipated for the same reasons.

Claims 1-5, 7-8, 11, and 18-20 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,701,601 to Francini, et al. Francini et al. discloses a transaction card having a magnetic stripe emulator. See Francini, Abstract. However, Francini et al. does not disclose the receive circuit adapted to receive information from an electronic transaction device or the point of sale interface adapted to transmit information received from the electronic transaction device, as now recited in claim 1. Rather, like Wallerstein, Francini et al. discloses storing magnetic stripe information in ROM or EEPROM. See Francini et al., col. 5, lines 38-42. Because Francini does not disclosed each and every element of claim 1, Francini et al. does not anticipate claim 1 or any of the claims which depend from claim 1, including claims 4-5, 7-8, and 11.

N/A
See pg. 20
claims 18-20
of spec

Regarding claims 18-20, the adapter is recited as having a transceiver which is adapted to receive information from an electronic transaction device and an electromagnet which is configured to emulate a magnetic stripe in accordance with information received from an electronic transaction device. As noted above, in contrast, Francini et al. does not disclose a

transceiver circuit adapted to receive information from an electronic transaction device or a point of sale interface adapted to transmit information received from the electronic transaction device, as now recited in claim 1. Accordingly, claim 18 is not anticipated by Francini et al. Additionally, claims 19 and 20, which depend from claim 18, are also not anticipated for the same reasons.

Claims 1-3, 9-11, 25, 31, and 36, stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,590,038. The '038 patent discloses various forms of a communications interface unit adapted to receive information from a universal electronic transaction card. Claims 1-3 are believed to define over the communications interface unit of the '038 patent. Claim 1 recites that the housing of the adapter including at least a reader-insertable portion capable of being inserted in a card reader of a point of sale terminal, and that a point of sale interface be in the reader insertable portion of the housing. Claim 2 recites that the housing is reader insertable, and claim 3 recites that the housing is substantially the same size as a conventional credit card. Such structure is not disclosed for the communication interface unit in the '038 patent. Because the communications interface unit of the '038 patent is not the same as the adapter as recited in claims 1-3, those claims are not anticipated by the '038 patent and are believed allowable. Claims 9-11, which depend from claim 1, are also not anticipated by the '038 patent and are believed allowable for the same reasons.

Regarding claims 25 and 31, the communications interface unit of the '038 patent is not disclosed as being placed in a card reader. Rather, the communications interface unit is connected to the point of sale terminal. See '038 patent, Fig. 2. Because the '038 patent does not disclose all of the steps of claim 25, claim 25 and claim 31, which depends from claim 25, are not anticipated by the '038 patent and is believed allowable.

Claims 6, 9-17, 21-28, and 31 stand rejected under 35 U.S.C. §103 as being unpatentable over Wallerstein. Obviousness cannot be shown without some part of the prior art as a whole teaching each of the claim limitations. The rejected claims are believed patentable over Wallerstein for the same remarks set forth above, which are incorporated herein by reference. With regard to claims 9-10 and 21-22, as set forth above, Wallerstein does not disclose the receive circuit or the transceiver as claimed. Accordingly, Wallerstein cannot teach or suggest the specific infra-red and radio frequency embodiments of the receive circuit, as claimed in claims 9 and 10, respectively, or the specific infra-red and radio frequency embodiments of the transceiver circuit, as claimed in claims 21 and 22, respectively. Because Wallerstein does not teach or suggest all of the elements recited, claims 9-10 and 21-22 are believed allowable over Wallerstein for this additional reason.

Regarding claims12 and 15, the buffer in each claim, as amended, is configured to store information received from the electronic transaction device. As set forth above, Wallerstein does not disclose receiving information from an electronic transaction device, and therefore does not disclose a buffer configured to store information received from the electronic transaction device. Regarding claims 13, 14, 16, 17, 23, and 24 as amended, the data buffer is configured to purge at least a portion of the information received from the electronic transaction device. Once again, Wallerstein does not disclose receiving information from an electronic transaction device, and therefore does not disclose a buffer configured to purge information received from the electronic transaction device. Because Wallerstein does not teach or suggest all of the elements recited, claims 12-17 and 23-24 are believed allowable over Wallerstein for these additional reasons.

Regarding claims 25-28 and 31, Wallerstein does not teach or suggest the method as claimed. Wallerstein discloses a programmable transaction card that enables accessing a

selected one of a plurality of different accounts, and includes the ability to emulate a magnetic strip. Wallerstein does not disclose the use of an adapter in conjunction with an electronic transaction device and a point of sale card reader. Accordingly, Wallerstein does not teach or suggest the step of transmitting information corresponding to a selected card from an electronic transaction device to an adapter. The step of transmitting information from an electronic transaction device to an adapter, and having the adapter perform the step of converting information corresponding to a selected card to a format readable by a card reader, is advantageous in that it allows devices such as PDAs and wireless telephones, which typically do not have magnetic stripe emulators, to be used as electronic transaction devices. Because Wallerstein does not teach or suggest all of the steps recited in claim 25, claim 25, and claims 26-28 and 31, which depend from claim 25, are not obvious in view of Wallerstein and are believed allowable.

Claims 25-31 stand rejected under 35 U.S.C. §103 as being unpatentable over Francini, et al. Francini et al. does not teach or suggest the method as claimed. Francini et al. discloses a transaction card having a magnetic stripe emulator. See Francini et al., Abstract. Francini et al. does not disclose the use of an adapter in conjunction with an electronic transaction device and a point of sale card reader. Accordingly, Francini et al., like Wallerstein, does not teach or suggest the step of transmitting information corresponding to a selected card from an electronic transaction device to an adapter. Because Francini et al. does not teach or suggest all of the steps recited in claim 25, claim 25, and claims 26-31, which depend from claim 25, are not obvious in view of Francini et al. and are believed allowable.

It is believed that this reply addresses each and every ground for rejection or objection. If the Examiner finds that there are outstanding issues which may readily be resolved by telephone interview, he is invited to contact the undersigned at the below listed number.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Pitroda et al.	Group No.:	2876
Serial No.:	09/440,529	Batch No.	
Filed:	November 15, 1999	Examiner:	M. Tremblay

For: POINT OF SALE ADAPTER FOR ELECTRONIC TRANSACTION DEVICE

CERTIFICATE OF MAILING

I hereby certify that his paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee, Assistant Commissioner for Patents, Washington, DC 20231, on this date:

4/23/2001 Walter Marcol

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AMENDED CLAIMS PURSUANT TO 35 C.F.R. §1.121(C)(1)(ii)

Pursuant to 35 C.F.R. §1.121(C)(1)(ii), the following claims correspond to the claims amended by the concurrently submitted amendment for the above referenced application. The claims are marked to show the changes relative to the previous versions of the claims.

1. (Amended) An adapter for use with point of sale card readers, the adapter comprising:

a) a housing, including at least a reader-insertable portion capable of being inserted in the card reader;

b) a receive circuit in the housing, the receive circuit adapted to receive information from an electronic transaction device;

c) a processor in the housing connected to the receive circuit; and

d) a point of sale interface in the reader insertable portion of the housing connected to the processor, the point of sale interface adapted to transmit information received from the electronic transaction device.

12. (Amended) The adapter of claim 1, further comprising a data buffer connected to the processor adapted to store information received from the electronic transaction device.

13. (Amended) The adapter of claim 12, wherein the data buffer is configured to purge at least a portion of the information received from the electronic transaction device ~~data~~ after a predetermined period of time.

14. (Amended) The adapter of claim 12, wherein the data buffer is configured to purge at least a portion of the information received from the electronic transaction device ~~data~~ after a predetermined number of data transfer operations.

15. (Amended) The adapter of claim 1, wherein the processor further comprises a data buffer adapted to store information received from the electronic transaction device.

16. (Amended) The adapter of claim 15, wherein the data buffer is configured to purge at least a portion of the information received from the electronic transaction device ~~data~~ after a predetermined period of time.

17. (Amended) The adapter of claim 15, wherein the data buffer is configured to purge at least a portion of the information received from the electronic transaction device ~~data~~ after a predetermined number of data transfer operations.

18. (Amended) An adapter for use with point of sale card readers, the adapter comprising:

a) a housing, capable of being inserted in the card reader;

b) a transceiver in the housing the transceiver adapted to receive information from an electronic transaction device;

c) a processor in the housing connected to the transceiver;

d) an electromagnet configured to emulate a magnetic stripe in accordance with information received from an electronic transaction device connected to the processor.

23. (Amended) The adapter of claim 18, further comprising a data buffer connected to the processor, the data buffer configured to purge at least a portion of the information received from the electronic transaction device ~~data~~ after a predetermined period of time.

24. (Amended) The adapter of claim 18, further comprising a data buffer connected to the processor, the data buffer configured to purge at least a portion of the information received from the electronic transaction device ~~data~~ after a predetermined number of data transfer operations.

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